

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	
vs.	)	Civil Action No. 05-920
	)	Related to Criminal No. 03-279
	)	
SHAWN E. MORIN	)	

FINDINGS OF FACT

Following an evidentiary hearing on June 7, 2007, which was held pursuant to a Judgment of the United States Court of Appeals for the Third Circuit dated March 2, 2006, the Court makes the following findings of fact:

(1) Following the Defendant's arrest in connection with the bank robbery charge set forth in Indictment No. 03-279, Stanley W. Greenfield, Esquire, was appointed to represent the Defendant;

(2) On June 30, 2004, based on his plea of guilty to the bank robbery charge set forth in Indictment No. 03-279, the Defendant was sentenced to a term of imprisonment of 57 months;

(3) The Defendant was disappointed with the length of the sentence of imprisonment imposed upon him on June 30, 2004;

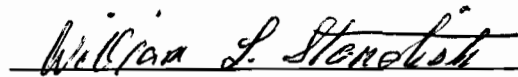
(4) The Defendant and Attorney Greenfield spoke on two occasions within 10 days of the imposition of sentence, i.e.: in person immediately following the sentencing hearing and by telephone while the Defendant was being held in the Allegheny County Jail pending his assignment to a federal prison;

(5) During the conversations referred to in Finding of Fact No. 4, which occurred within the applicable 10-day limitation

period during which an appeal was permitted, the Defendant discussed several issues with Attorney Greenfield concerning his sentence, but the Defendant did not ask Attorney Greenfield to file an appeal from the sentence imposed;

(6) If the Defendant had requested that an appeal be filed, Attorney Greenfield would have filed an appeal to protect the Defendant's appellate rights and then would have withdrawn his appearance as counsel for the Defendant due to his belief that there was no basis for an appeal; and

(7) in February, 2005 and May, 2005 (after the expiration of the applicable 10-day appeal period), the Defendant wrote letters to Attorney Greenfield from prison, requesting him to file an appeal for the purpose of reducing his sentence, and Attorney Greenfield responded to the letters.

  
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William L. Standish  
United States District Judge

Date: June 14, 2007

cc: Shawn E. Morin  
James H. Love, AUSA  
Stanley W. Greenfield, Esquire